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HAROLD BAER
U.S. DISTRICT JUDGE
S.D.N.Y.

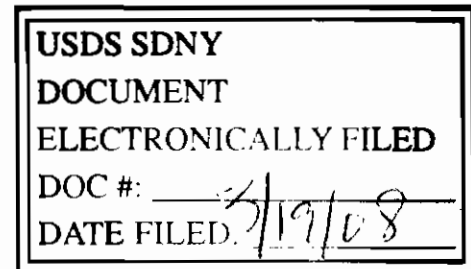
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March 14, 2008

BY HAND

Hon. Harold Baer
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Rm. 2230
New York, New York 10007



Re: Building Services 32 B-J Benefit Funds v. GCA Services
Group, Inc., Case No. 07 Civ. 8381 (HB)

Dear Judge Baer:

We are local counsel for defendant, GCA Services Group, Inc. ("GCA"). We write this letter (instead of principal counsel located in Cleveland, Ohio) because the applications for admission *pro hac vice*, filed February 25, 2008, have not yet been granted.

The Motion for Summary Judgment served by Plaintiffs, Building Service 32B-J Benefit Funds (the "Funds"), on March 6, 2008, is untimely and should not be considered by this Court.

Both parties participated in a Pre-Trial Conference on November 15, 2007 at which a Pre-trial Scheduling Order was agreed to by the parties and set by the Court. As set forth in the Court's November 16, 2007 Order, the Return Date for dispositive motions was originally set for February 29, 2008. See Pre-Trial Scheduling Order (Exhibit A hereto).

The parties subsequently made a joint application to the Court for an extension to the summary judgment return date cut-off, and this Court granted the parties an extension until March 15, 2008. See January 22, 2008 letter from Nicole Hyland, Esq. to Nathalie Rey, and endorsements, dated February 4, 2008, thereon (Exhibit B hereto). However, even with the extension granted by the Court, the Funds did not serve and file their Motion for Summary Judgment until March 6, 2008, six business days before the expiration of the extended cut-off date. See Notice Motion for Summary Judgment, dated March 6, 2008 (Exhibit C hereto). Under the Local Rules of the Southern District of New York, GCA is entitled to *ten* business days after service of a summary judgment motion to serve its opposition. See Local R. 6.1(b). Moreover, pursuant to Civil Rule 6(e), GCA is entitled to an additional three days of service time. See Fed. R. Civ. P. 6(c); Local R. 6.4. Accordingly, GCA's opposition to Plaintiffs'

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Motion for Summary Judgment would not be due until March 24, 2008, well beyond the extended cut-off return date of March 15. Thus, Plaintiffs' Motion for Summary Judgment was untimely and should be denied and disregarded. It was filed too close to the Return Date and deprived GCA of adequate time to respond.

Accordingly, for the foregoing reasons, this Court should deny Plaintiffs' Motion for Summary Judgment as out of rule and untimely.

Respectfully submitted,

Maura J. Wogan

cc: Michael Geffner, Esq.
Jeffrey Lauderdale, Esq.
Eric Baisden, Esq.

Regardless of who is at fault
you have until 3/24 to
answer & if a reply is necessary the
TT has until March 28. The
problem is that lawyers & perhaps
I should have mentioned it & usually
do > talk together & put a schedule
together to meet the deadlines
that all agreed to. ~~agreed to~~
The PH vice motion
system from last
to have been signed
& sent now.

Harold Baer, Jr., U.S.D.J.
Date: 3/19/08

Endorsement:

Regardless of who is at fault you may have until 3/24 to answer and if a reply is necessary the plaintiff has until March 28. The problem is that lawyers (and perhaps I should have mentioned it I usually do) talk together and put a schedule together to meet the deadlines they all agreed to. Let's do it next time. The pro hac vice motion appears from docket to have been signed. I don't have it.